

Reference: § 54.1-3400 *et seq.* of the Code of Virginia commonly known as the Drug Control Act and § 54.1-3303 of the Code of Virginia.

In Virginia all prescription drugs are categorized into schedules. Schedules I through V, for the most part, mirror the federal schedules. All prescription or legend drugs not included in Schedules II through V are placed in Schedule VI in Virginia and are also referred to as “controlled” drugs or substances within the Drug Control Act. This is sometimes confusing as the term “controlled” is usually applied only to drugs in Schedules II through V.

Practitioners of medicine, osteopathy, podiatry, dentistry, or veterinary medicine have independent prescriptive authority and may prescribe drugs in Schedules II through VI consistent with a bona fide practitioner-patient relationship, legitimate therapeutic purpose, and within the scope of professional practice. Elements of a bona fide practitioner patient relationship are set forth in § 54.1-3303 of the Code of Virginia (attached).

Nurse practitioners, who have applied, met criteria, and been approved for prescriptive authority may prescribe Schedule VI drugs which have been approved by the supervising medical practitioner. This is a limited, dependent prescriptive authority. Nurse practitioners as of July 1, 2000 have been granted statutory authority to prescribe Schedule V drugs provided this is approved by the supervising medical practitioner and provided the nurse practitioner has obtained a state controlled substances registration from the Board of Pharmacy and a DEA registration. Statutory authority for prescribing Schedule IV drugs will become effective on January 1, 2002 and statutory authority of prescribing Schedule III drugs will become effective on July 1, 2003. When authority for these two other schedules becomes effective, practice agreements as well as the state controlled substances registration and the DEA registration will need to be modified to include the expanded schedules. Nurse practitioners who have prescriptive authority will possess a license issued by the Board of Nursing with a 10-digit license number beginning with 0017. Nurse practitioners with prescriptive authority may dispense samples of those drugs they are authorized to prescribe and may also sign for the receipt of those samples, which they can dispense.

Physician assistants who have met criteria and have been approved by the Board of Medicine for prescriptive authority may also prescribe most Schedule VI drugs unless prohibited by the “negative” formulary or by the supervising physician. The negative formulary prohibits prescribing of any Schedule II through V drug, any radioactive drug, any ophthalmic aminoglycosides, any ophthalmic steroids, and any compound containing barbiturates (e.g. butalbital/acetaminophen combinations excepted from federal CSA). This is also a limited, dependent authority and does not allow for prescribing of Schedule II through V drugs. Persons wishing to verify approval of prescriptive authority for a particular physician assistant may call the Virginia Board of Medicine at (804) 662-9908. Physician assistants may dispense samples of those drugs they are authorized to prescribe and may sign for receipt of samples.

Optometrists who have been certified to use therapeutic pharmaceutical agents have independent authority to prescribe most topical ophthalmic preparations. In addition, certified optometrists have authority to prescribe oral narcotic and non-narcotic analgesics limited to Schedules III and VI for the relief of intraocular pain. Optometrists must also obtain a state controlled substances registration and DEA registration prior to prescribing Schedule III drugs. Inquiries as to the certification of an optometrist to prescribe therapeutic pharmaceutical agents or requests for regulations may be made by calling the Virginia Board of Optometry at (804) 662-9910.